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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding
Policies, Procedures and Rules for the
California Solar Initiative, the Self-Generation
Incentive Program and Other Distributed
Generation Issues.

Rulemaking 06-03-004

**RESPONSE OF PACIFIC GAS AND ELECTRIC COMPANY TO ALJ RULING
REQUESTING PROPOSALS ON METHODS TO DETERMINE THE RENEWABLE
ENERGY CREDITS FROM DISTRIBUTED GENERATION**

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August 4, 2006

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I. INTRODUCTION

In accordance with the Ruling by Administrative Law Judge Ebke issued on July 12, 2006 (Ruling), Pacific Gas and Electric Company (PG&E) respectfully submits this proposal on methods to determine the Renewable Energy Credits from Distributed Generation. PG&E welcomes this opportunity to address these issues connected with the treatment of Distributed Generation (DG) output for investor-owned utilities' Renewable Portfolio Standards (RPS) when these projects have received subsidies paid for by other utility customers.

PG&E's proposal is that the utilities be allowed to count the entire output of renewable DG which receives utility subsidies for "green" or renewable energy. Subsidies that are provided equally to both renewable and non-renewable projects would not be the basis for conveying RECs, and the new policy would not apply to projects which received "green" incentives before these new rules are adopted.

To the extent that utility ratepayers are subsidizing renewable DG, it is fair and logical that the utility customers would receive the benefit of that output in the form of contribution to the utility's RPS procurement target. It would be unfair to bundled ratepayers to adopt any other approach. If the utility is not conveyed the renewable

attribute along with the DG output, then it is possible that the DG customer may sell the renewable attribute to the utility so that the utility can meet its RPS requirement, resulting in the customers paying twice for the same renewable output. PG&E agrees with the Commission that ratepayers should not have to pay twice for the same benefit.

In addition, PG&E's proposal aligns the interests of ratepayers, the utility and the solar community. PG&E is aggressively pursuing renewable procurement of all types in order to meet its RPS targets, and is subject to penalties if it does not fulfill those obligations. If the CPUC adopts PG&E's proposal to count all subsidized DG output towards its RPS requirement, this gives PG&E a strong new incentive to encourage DG installation.

II. PG&E'S RESPONSE TO THE SPECIFIC QUESTION IN THE ALJ RULING

Ratepayers of investor owned utilities will be spending over three billion dollars on cash incentives to encourage the installation of renewable energy generation by utility customers. They will be spending additional money to provide subsidies in addition to cash incentives, such as net metering and waived interconnection costs, as described below. Due to their substantial funding of renewable DG, it is appropriate that those ratepayers be permitted to count the output of those renewable generators towards meeting the utility RPS requirements. PG&E supports the Commission's intent to provide RPS credit based on the financial support that other ratepayers provide (directly and indirectly) to renewable generation through incentive programs^{1/} and appreciates this opportunity to propose a method by which that can be accomplished.

The ALJ Ruling asked six questions. This response addresses each of them.

^{1/} See D.06-01-024, page 18, where the Commission stated "Although a prior Commission decision, D.05-05-011, determined that renewable energy credits, or RECs, for distributed generation belong to the distributed generation owner, the commission has not addressed how this will apply to renewable distributed generation which receives incentives through ratepayer-funded programs. This is an issue we cannot fully resolve today, but will address in this proceeding, in coordination with our RPS proceeding R.04-04-026. However, in past procurement decisions, we have stated our intent to provide some RPS credit for support of incentive programs, and we reiterate that intent here."

A. What Method Should The Commission Use To Determine The Portion Of A REC From Renewable DG That Was Supported By A Ratepayer Subsidy?

PG&E's proposal is that the utility be allowed to count the entire output of renewable DG that received utility subsidies funded by other ratepayers for "green" or renewable energy.

1. Subsidies Based On Greenness or Renewableness Should Be The Basis For Including DG Output in the Utility RPS Calculation.

Customers who install renewable DG to offset their own load receive a variety of subsidies. These subsidies are funded by utility ratepayers in the form of higher rates. For renewable generation, whenever the justification for the utility incentive or cost-shift is primarily based on the "renewable" or "green" attribute of that generation, the output of that generator should be counted towards the utility's renewable procurement target. It would be unfair to bundled ratepayers to adopt any other approach. If the utility is not conveyed the renewable attribute along with the DG output, then it is possible that the DG customer may sell the renewable attribute to the utility so that the utility can meet its RPS requirement. PG&E agrees with the Commission that ratepayers should not have to pay twice for the same benefit.^{2/}

As described above, if ratepayers provide "green" subsidies to DG customers, that DG output should be counted towards meeting the utility RPS requirement. The "green" subsidies to which customers installing renewable generation are entitled include:

- Direct Incentives – The Emerging Renewable Program, administered by the California Energy Commission, which provides incentives for solar and wind installations under 30 kW, is funded by utility ratepayers. Utility customers also provide funding for the Self Generation Incentive Program (SGIP), which currently provides incentives for solar generation 30 kW and larger, wind generation, and other renewable DG. Similarly, the Commission is now developing the details of the California Solar Initiative (CSI), which will provide customer-funded incentives for solar installations. These subsidies range from \$1.00/Watt for internal combustion engines fueled with renewable fuel to \$4.50/Watt for fuel cells using renewable fuel.

^{2/} D.05-05-01 at page 5 and page 6.

- Net Metering – Solar, wind, and biogas digester projects can all take advantage of legislatively mandated net metering programs. Under net metering programs, generation that exceeds contemporaneous on-site load can be exported to the utility grid, and the retail value of the exported generation can be used to off-set the retail charges for customer load taken at another time. Currently, most projects that participate in net metering receive a credit based on the retail rate, which includes not only the generation cost component of retail rates, but also the transmission cost, distribution cost, and public purpose components of those rates. If a customer with renewable DG wishes to do so, that customer can receive a credit based on the times at which that customer provided excess generation to the system, by electing to be on a time of use rate schedule. Thus, some projects receive net metering credits of between 20 and 30 cents a kilowatt hour, even though the cost of renewable power is only a fraction of that amount. The credit that customers with renewable DG receive for exported generation exceeds the actual costs that exported generation allows other customers to avoid. As a result, under net metering, other customers subsidize customers with renewable DG that exported generation, based on the fact that these supplies are renewable. See Public Utilities Code section 2827(a) (“The Legislature finds and declares that a program to provide net energy metering for eligible customer-generators is one way to encourage substantial private investment in renewable energy resources....”)
- Waived Interconnection Costs. Net metering customers are not responsible for all the costs of interconnection facilities used to connect them with the grid. (See D.02-03-057, exempting net metering customers from the cost of certain interconnection facilities and D.01-07-027, exempting non-net metered solar and wind projects from the first \$5,000 in interconnection fees). These incentives are provided to encourage green and renewable generation.

All the subsidies listed above demonstrate why the utility should be allowed to include renewable DG in meeting its RPS goals. For a variety of public policy reasons, the Legislature and the Commission have instituted programs and rules that promote renewable DG, and many of these reasons are grounded on the “renewableness” attribute of the generation. Other customers are funding these programs and rules, either directly (through incentive and rebate programs) or indirectly through subsidies because net metering shifts certain costs to other customers. To the extent that this direct and indirect support is provided because of the “renewableness” of DG, utilities should be allowed to count the output of renewable DG in meeting RPS targets.

It should be noted that this approach would not allow utilities to claim RPS credits for all of the subsidies that utilities provide to DG projects. For example, many DG projects receive a waiver of standby charges even though almost all of the DG installed by customers relies on the utility grid to provide standby service. (See ordering paragraph 3 of D.03-04-060 that allows for standby exemptions for new projects coming on line to automatically continue for six-month periods if no decision has been adopted to revise rates consistent with the policies adopted in D.01-07-027, and since the CPUC has not completed a cost-benefit analysis, those revisions have not occurred.) However, since even DG projects that burn natural gas receive this subsidy, PG&E does not believe that this subsidy should be a basis for allowing utilities to count the RPS output of a DG facility. Similarly, many DG projects smaller than 1 MW are exempt from cost responsibility surcharges. See D.03-04-030. However, this exemption is available to both renewable and non-renewable projects. On the other hand, only solar and wind generation projects are allowed to benefit from retail net metering tariffs. Therefore the subsidies created by the net metering tariff are based on the “renewableness” attribute of those projects, not some other attribute.

2. Should All Of The Output Of DG Projects Receiving Utility Green Subsidies Be Counted Toward The Utility RPS Target?

All of the output of such projects should be included in the RPS calculation. This should occur only after the project receives notice that these are the program rules, and elects to receive the incentive under these program rules. If the project believes that the value of unbundled RPS credits it might otherwise forego is higher than the value of the incentive, then the project could elect to forego that incentive, and keep the RPS credits. This is consistent with current RPS bidding rules, in which projects seeking to sell to California utilities also will be conveying to utilities the renewable attributes associated with those sales. Therefore, the CSI and renewable SGIP rules could formally provide that in order to receive that incentive, the project must convey any RECs to the utility whose

ratepayers are paying for that incentive. Similarly, the Commission could clarify that the utilities will be able to include output of the projects receiving retail net metering in the RPS calculation.

B. Should Net Metering Benefits Be Considered In The Calculation Of Ratepayer Subsidies, And If So, How?

As described above, net metering benefits should be included in the calculation of ratepayer subsidies. Net metering benefits allow participating customers to use the utility grid as a “battery” for their renewable generation. When their generator is producing more power than the customer needs at that time, the power is exported to the grid, “spinning the meter backwards”, and thus offsetting power that the customer uses at another time. The customers do not pay for the use of that “battery”; instead, they simply export power and withdraw it later. For customers receiving retail net metering, the “battery” arrangement causes the participating customer to receive compensation that exceeds the value of the energy that customer “exported” (through net metering) to other customers. The value of the power that customer exported to the grid is equal to the additional costs that the utility would have incurred in the absence of those exports (i.e., the utility’s avoided cost). When a customer obtains power from the grid, that customer is charged retail rates for that power. Those retail rates are higher than the costs that the customer’s exported generation allowed the utility to avoid, because in addition to generation costs those retail rates also include distribution costs, transmission costs, and other fixed costs, such as Public Goods Charges, DWR bond charges, etc. Therefore, net metering should be considered in the calculation of ratepayer subsidies, to the extent that the compensation that participating customers receive from net metering exceeds the costs that their exported generation enables other customers to avoid (i.e., avoided cost).

A simple calculation can, in theory, measure the amount of the subsidy. The subsidy is the difference between the compensation the participating customer receives and the utility’s avoided costs at that time. The compensation is either the retail rate at the time

of export (for solar generators under 1 MW and wind generators under 50 kW) or the generation component of the energy charge at the time of export (for wind above 50 kW, biogas digesters, or fuel cells using renewable fuels).

While there may be some disagreement about what the utility's avoided costs are, it is not necessary for the Commission to actually calculate avoided costs before adopting the approach proposed here. The Commission can determine the method for quantifying the net metering subsidy (compensation minus avoided costs) and leave actual calculation of the elements of this subsidy for a later proceeding.

C. How Can The Commission Measure DG Output For Purposes Of RPS?

The simplest approach to measuring output is to install an output meter. In the Draft Decision Adopting Performance-Based Incentives issued on July 24 in this docket, ALJ Duda proposed that all projects receiving incentives under the CSI install output metering. (Draft Decision page 68). Similarly, the current draft of Senate Bill 1, which hopefully will be passed by the legislature in the next few weeks, provides that every new solar project receiving CEC or CSI incentives should "have a meter in place to monitor and measure the system's performance and the quantity of electricity generated by the system." See the June 29 draft of SB 1 at page 9 (draft Public Resources Code section 25782(a)(7) and page 23 (draft Public Utilities Code section 2851(a)(1). Similarly, the staff and ALJ Duda have proposed that larger solar projects (initially all projects bigger than 100 kW and later all projects above 30 kW, receive a performance based incentive based on actual measured output. If most projects have metered output data and provide it to the utilities, then that direct data can be used in the RPS calculation.

If output data is not recorded or provided to the utilities, then an alternative exists. The Draft Decision Adopting Performance-Based Incentives proposes that a tool be developed to estimate solar output of a project of a given technology and size, as adjusted by orientation, shading, and location. The incentives paid to this project will be based on that expected output, a method called an "Estimated Performance Based Buydown", or

EPBB. To the extent that the CPUC determines that output meters are not needed, the tools used for EPBB payments could also be used to calculate the generation to be counted toward the utility's RPS goals.

For all other forms of renewable DG, PG&E recommends either installation of a net-generation output meter (NGOM) to track generation for RPS purposes, or development of an estimating tool consistent with the Expected Performance Based Buydown (EPBB) proposed by Staff and ALJ Duda. Each technology could be assigned a capacity factor, which will vary by geographic location, or other variables affecting performance. The installed capacity of each project is determined at the time it is interconnected to the utility grid. Because estimating tools may not work well for wind projects, actual output metering may be needed for all wind projects.

D. Can Meters Be Installed And If So, What Type, And For What Size System?

See discussion above. The ALJ has proposed that the Commission "require revenue grade meters for all systems paid incentives through CSI, either through the PBI or EPBB mechanism." (Draft CSI Phase I Decision at page 68). Whatever output meters are installed under the CSI or similar program should be used for RPS data collection.

E. If Meters Are [Not] Reasonable For Certain Smaller Systems, What Method Can Be Used To Measure DG Output For These Systems?

See discussion above. A simple estimation method should be used for systems that do not record output data or provide that data to the utilities, with output metering required for all wind turbines. PG&E also recommends that the estimation method for solar generation be updated annually to reflect results from the measurement and verification activity conducted as part of the California Solar Initiative.

F. How Can The Commission Ensure That Electrical Generation Consumed On The Customer Side Of The Meter Is Added To The Utility's Total Retail Sales?

PG&E believes it is appropriate for the methodology to include renewable DG in the RPS to be decided in this DG OIR. However, PG&E believes implementation of this methodology should be conducted in the RPS proceeding. As part of that implementation, it is important that the Commission neither over nor undercount the impact of renewable DG in the RPS calculation. To the extent the renewable DG is counted towards the RPS target, it should be added to the numerator of any calculation of the percentage of renewables in a utility's resource mix. To the extent renewable DG reduces a customer's usage, it will already have contributed towards reducing the denominator in that calculation. In order to prevent double counting the benefits of renewable DG, the amount included in the numerator must be added back into the denominator (retail sales) before calculating the percentage of a utility's power mix that is renewable. In order to ensure that this is accomplished, PG&E recommends adding a line item to both the numerator and denominator when reporting RPS compliance. The quantity added to the denominator would equal the quantity included in the numerator. For example, if 5% of the retail load is served by renewable DG consumed on site, that amount would be added to both the numerator and denominator.

However, it is essential that only the output that counts toward the utilities RPS target be added to the denominator. Amounts of power consumed on site should not be considered utility retail load for RPS compliance unless that utility is permitted to count the output towards its RPS goals, as it is not serving that load.

III. CONCLUSION

PG&E appreciates this opportunity to address these issues.

Respectfully submitted,

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Dated: August 4, 2006

CERTIFICATE OF ELECTRONIC SERVICE

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, California 94105.

On the 4th day of August, 2006, I served a true copy of:

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REQUESTING PROPOSALS ON METHODS TO DETERMINE THE
RENEWABLE ENERGY CREDITS FROM DISTRIBUTED GENERATION**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to all parties on the official service list for CPUC Docket R.06-03-004 that have provided e-mail addresses.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 4th day of August, 2006 at San Francisco, California.

_____/s/
PATRICIA A. KOKASON

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Commissioner Assigned: Michael R. Peevey on March 7, 2006; ALJ Assigned: Dorothy Duda on March 7, 2006

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Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.	Rulemaking 06-03-004 (Filed March 2, 2006)
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